

12 October 2023

Ruapehu District Council
TAUMARUNUI

For: Clive Manley and Warrick Zander

By email only: info@ruapehudc.govt.nz; clive.manley@ruapehudc.govt.nz and warwick.zander@ruapehudc.govt.nz

Ruapehu District Council (RDC) Teitei Drive Ohakune – Request for Information

1. I refer to my earlier letters to RDC and the responses from Council to myself and various clients that I represent in respect to this matter including Mr Barry Murphy and Mr Carnachan.
2. Please provide all minutes and resolutions from the meetings that went into committee, which related to Teitei land or CIP or KO or HNZ Build Limited or consultants in relation to land such as Cheal in respect to Teitei Drive) together with all documents and reports and documents provided in those meetings.
3. In a response to a question posed to RDC by Mr Carnachan:

“Was the decision by council to sell the RDC land at Teitei Drive to Kainga Ora made in open council, or in committee/public excluded?” RDC has responded:

“An intention to sell was formulated by the Chief Executive pursuant to delegated authority given by the Council on 5 August 2020 following a confidential report (which included advice received from MEQ Property Ltd and Ree Anderson Consulting Ltd) to the Council and was formalised by signature of a Sale and Development Agreement on 4 April 2023, again pursuant to delegated authority.”

There are references to two “delegated authorities”, one for an “intention to sell” and another for or authorising the signing of the “Sale and Development Agreement”. The following questions are asked and documents relating to RDC’s response above requested:

Delegated Authority for “An intention to sell formulation”

- a. Was the “intention to sell” authority delegated in writing by resolution or another formal document such as a “Delegated Authority”?
- b. Who delegated the authority?
- c. When was the authority delegated?
- d. Pursuant to what enactments, regulations, standing orders or bylaws was the authority delegated to the Chief Executive?
- e. Please provide a copy of all documents, including but not limited to resolution(s) or other formal document(s), such as a written Delegate Authority referred to in 3 a. that delegate the authority to the Chief Executive with all documents attached supporting the basis for granting of the authority.



Delegated Authority for signing of the “Sale and Development Agreement”

- f. Was the signing of the “Sale and Development Agreement” authority delegated in writing by resolution or another formal document such as a “Delegated Authority”?
- g. Who delegated the authority?
- h. When was the authority delegated?
- i. Pursuant to what enactments, regulations, standing orders or bylaws was the authority delegated to the Chief Executive?
- j. Please provide a copy of all documents including but not limited to resolution(s) or other formal document(s), such as a written Delegate Authority referred to in 3 f. that delegate the authority to the Chief Executive with all documents attached supporting the basis for granting of the authority.

It is anticipated that these documents and answers to these questions will not be problematic particularly when these questions are quite nuanced.

RDC has been very slow in responding to my requests and have continuously breached the time-limits under the Act for provision of information and have ignored my requests for urgency in respect to one of my OIA requests.

The provision of this information is pertinent to a meeting that will be proposed shortly with RDC’s solicitor Mr Alan Vale ahead of filing my clients’ application for pre-litigation discovery. It would be appreciated if this information could be supplied within the prescribed time limits.

This correspondence will be annexed to my clients’ affidavit in support of the application in the event it is not supplied in accordance with the Act.

Yours Faithfully
BYTALUS LEGAL



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